

(c) a fragment of (a) or (b) which, when operably linked to a transcribable sequence, promotes transcription of the transcribable sequence in one or more cells of a *Musaceae* plant.

2. (Amended) An isolated polynucleotide consisting of a Banana Streak Virus promoter having the sequence shown in SEQ ID NO. 2.

CD sub 507 3. (Amended) An isolated polynucleotide consisting of a promoter sequence, which promoter sequence:

(i) selectively hybridizes under stringent conditions with a polynucleotide complementary to a polynucleotide which has the nucleotide sequence shown in SEQ ID NO: 2;

wherein said stringent conditions comprise overnight hybridization at 42°C in 0.25M Na<sub>2</sub>HPO<sub>4</sub>, pH 7.2, 6.5% SDS, 10% detran sulfate and a final wash at 55°C in 0.1x SSC, 0.1% SDS, and;

(ii) when operably linked to a transcribable sequence promotes transcription of the transcribable sequence in one or more cells of a *Musaceae* plant.

C2 4. (Amended) An isolated polynucleotide according to claim 3 which has a nucleotide sequence found in a strain of Banana Streak Virus.

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Please cancel claim 5 without prejudice.

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6. (Twice Amended) A nucleic acid construct comprising the promoter sequence of a polynucleotide according to any one of claims 1, 3 and 5, and a non-Banana Streak Virus transcribable sequence.

C3 7. (Amended) A nucleic acid construct according to claim 6 wherein the promoter sequence is operably linked to the transcribable sequence.

8. (Twice Amended) A nucleic acid vector suitable for transformation of a plant cell and including a nucleic acid construct according to claim 6.

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C4 10. (Twice Amended) A plant cell containing a heterologous nucleic acid construct according to claim 6.

C4  
11. (Amended) A plant cell according to claim 10 wherein said plant cell has said heterologous nucleic acid construct within its chromosome.

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13. (Twice Amended) A method of producing a cell according to claim 10, the method including incorporating said nucleic acid construct into the cell by means of transformation.

C5  
14. (Amended) A method according to claim 13 which includes recombining said nucleic acid construct with the cell genome nucleic acid such that it is stably incorporated therein.

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C6  
18. (Twice Amended) A method of producing a plant, the method including incorporating the nucleic acid construct according to claim 6 into a plant cell and regenerating a plant from said plant cell.

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Please ~~cancel~~ claim 20 without prejudice.

**REMARKS**

Reconsideration of this application and entry of the foregoing amendments are respectfully requested.